

### **REMARKS**

Claims 1, 3, and 27-57 were pending in the application. Claims 1, 35-38 and 41 were indicated as allowable in the Final Office Action dated March 23, 2006. Claims 29, 32, 34, 40, and 48-57 have been canceled without prejudice. Claims 1 and 27 have been amended, and new claims 58-59 have been added. Accordingly, after the amendments presented herein have been entered, claims 1, 2, 27-28, 30-31, 33, 35-39, 41-47 and 58 and 59 will remain pending.

Support for the new claims can be found throughout the specification and in the claims as originally filed. Specifically, support for claims 58 and 59 can be found in claim 1 as pending.

*No new matter has been added.* Any cancellation of the claims should in no way be construed as an acquiescence to any of the Examiner's rejections and was done solely to expedite the prosecution of the application. Applicant reserves the right to pursue the claims as originally filed in this or a separate application(s).

#### ***Indication of Claims as Allowable***

Applicants would like to thank the Examiner for indicating that claims 1, 35-38 and 41 are allowable.

#### ***Rejection of claim 3, 27, 28, 31, 34, 40, 42-44, 47-49, 52-54 and 57 Under 35 U.S.C. 112, First Paragraph***

The Examiner has rejected claims 3, 27, 28, 31, 34, 40, 42-44, 47-49, 52-54 and 57 under 35 U.S.C. 112, first paragraph because, "the specification, while being enabling for an isolated nicotianamine synthase comprising an amino acid sequence that has more than 90% identity to SEQ ID NO:1, does not reasonably provide enablement for an enzyme comprising an amino acid sequence that has at least 50% amino acid sequence identity to SEQ ID NO:1."

While in no way acquiescing to the validity of the Examiner's rejection, and solely in the interest of expediting prosecution, Applicants have cancelled or amended the pending claims directed to amino acid sequences having at least 50% amino acid sequence identity to SEQ ID NO:1. The claims, as amended, are directed to amino acid sequences that are at least 90% identical to SEQ ID NO:1.

Applicants believe that the amended claims are allowable based on the Examiner's statement that "the specification is enabling for amino acid sequences that are 90% identical to SEQ ID NO:1" (see, paragraph 3 of the instant Office Action).

Accordingly, Applicants believe that the application is in condition for allowance. Applicants respectfully request that the Examiner reconsider and withdraw the foregoing rejection.

**CONCLUSION**

In view of the above amendments and remarks, Applicants believe that the pending application is in condition for allowance. If a telephone conversation with Applicant's Agent would expedite the prosecution of the above-identified application, the Examiner is urged to call Applicant's Agent at (617) 439-4444.

Please charge our Deposit Account No. 04-1105, under Order No. 55107(71526) from which the undersigned is authorized to draw, for any underpayments associated with this communication.

Dated: June 28, 2006

Respectfully submitted,

By 

Jonathan M. Sparks, Ph.D.

Registration No.: 53,624

EDWARDS ANGELL PALMER & DODGE, LLP

P.O. Box 55874

Boston, Massachusetts 02205

(617) 439-4444

Attorneys/Agents For Applicant